

REMARKS/ARGUMENTS

The amendments to Claim 1 are supported at specification page 4, lines 19-21 and at specification page 3, lines 10-12. No new matter has been entered. This amendment requires the concomitant phosphatizing and foaming of the sludge as induced by the addition of phosphoric acid, and thereby points out a particularly preferred embodiment of the claims described in, e.g., Examples 1 and 3 where sludges are both foamed and inerted by the addition of phosphoric acid. See, e.g., specification pages 9 and 10 and note specification page 4, lines 19-21.

Applicants' amendment of July 17, 2006, resulted in the withdrawal of the previously-applied rejection and the presentation of a new grounds of rejection. While Applicants only commented on the Forrester reference in their July 17, 2006, amendment, this does not mean that they agreed with the Examiner's contentions concerning Mainwaring and Derie.¹ Rather, and in the interest of brevity, Applicants simply limited their comments to those necessary, pointing out the deficiencies in Forrester. As evidenced by the subsequent withdrawal of the then-outstanding rejection, these brief comments were sufficient to advance the prosecution of this case.

The new ground of rejection applied herein relies upon a new Forrester reference, U.S. 5,536,899. This Forrester reference is combined with Mainwaring in rejecting Claims 1-7 under 35 U.S.C. 103 as unpatentable for obviousness. This rejection is traversed.

Mainwaring relates to the removal of contaminants from a suspension or solution by forming a foam, drying the foam, and removing it along with contaminants trapped therein, thereby reducing the amount of contamination in the underlying liquor. See, e.g., column 2, lines 28-34 and Example 1 at column 5ff of the reference. The Examiner is correct in that Mainwaring lacks phosphatizing. Also, in Mainwaring foam is created by the passage of gas

¹ See page 5, top, of the outstanding Official Action at paragraph 4.

through the liquor. See, e.g., column 3, lines 58-61, column 5, lines 52-54 and column 6, lines 29-30.

Forrester (U.S. 5,536,899) relates to a method for reducing the leaching of lead from a lead-bearing waste by contacting the waste with a water soluble phosphate and a complexing agent to produce a lead product that is less soluble than the lead originally in the waste. See, e.g., column 1, lines 45-53. As noted at column 3, lines 49ff of the reference, the phosphate and complexing agent can be applied to waste contained in a waste stream or waste stored in a waste pile.

The Office takes the position that Forrester teaches a process “similar” to that of Mainwaring at page 2, bottom, of the September 26, 2006, Official Action, but Applicants do not see any similarity between the two processes: Mainwaring foams a contaminated liquid, dries the foam and removes it, while Forrester sprays a water-soluble phosphate and a complexing agent on a waste “stream” of, e.g., wire chop waste, bottom ash, etc. What these two processes have in common, or how they are “similar,” is not apparent.

For example, Mainwaring *removes* contaminants by isolating them in a foam that can be removed from a liquor. Forrester, on the other hand, *traps* contaminants and prevents them from being removed by complexing them into a less soluble form that reduces the leaching of lead from the original waste.

Nowhere in either reference or their combination is it suggested that sludge could or should be treated by concomitantly phosphatizing and foaming via the addition of phosphoric acid. Neither Forrester nor Mainwaring contemplates such a situation, nor do they suggest it. For example, the treatment in Forrester would be expected to make any lead present in sludge less soluble, and thus less apt to end up in the foam of Mainwaring. Moreover, the references fail to suggest *concomitantly* phosphatizing and foaming.

Accordingly, and in view of the differences between what is claimed herein and what is taught in Mainwaring and Forrester, Applicants respectfully request the reconsideration and withdrawal of the rejection over these references. These remarks apply with equal force to Claims 8-10, which have been rejected over these references further in view of Derie, as Derie fails to make up for that lacking in both Mainwaring and Forrester.

Accordingly, and in view of the above amendment and remarks, Applicants respectfully request the reconsideration and withdrawal of the outstanding rejections, and the passage of this case to Issue.

Respectfully submitted,

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